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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,608	10/30/2000	Srinivas Gutta	US000257	6759

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
NGUYEN, CAO H	

ART UNIT	PAPER NUMBER
2173	11

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/699,608	Applicant(s) Gutta et al.
	Examiner Cao (Kevin) Nguyen	Art Unit 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jan 21, 2004* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-23* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al. (US Patent No. 6,608,633 B1) in view of Alexander et al. (US Patent No. 6,177,931 B1).

Regarding claims 1 and 12, Sciammarella discloses a method for displaying available television programs, comprising the steps of: obtaining a recommendation score for each of said

available programs (see Abstract and col. 3, lines 1-18); and displaying said list of available programs to a user with an indication of one or more program attributes contributing to said recommendation score; obtaining a list of available programs (see col. 5, lines 5-67). However, Sciammarella fails to explicitly teach obtaining a list of available programs.

Alexander teaches obtaining a list of available programs (see col. 7, lines 1-65 and figure 3). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide obtaining a list of available programs as taught by Alexander to the visual display categorical information of Sciammarella, in order enhancing a user friendly and enable to provide maximum visual information about categorical information being displayed on a display screen.

Regarding claim 2, Sciammarella discloses wherein said indication of one or more program attributes contributing to said recommendation score provides a component score of said one or more program attributes. (see col. 6, lines 43-65).

Regarding claim 3, Sciammarella discloses wherein said indication of one or more program attributes contributing to said recommendation score indicates a most significant program attribute (see col. 9, lines 13-20).

Regarding claim 4, Sciammarella discloses wherein said indication of one or more program attributes contributing to said recommendation score indicates a predefined number of most significant program attributes (see col. 6, lines 43-65).

Regarding claim 5, Sciammarella discloses wherein said indication of one or more program attributes contributing to said recommendation score utilizes a color scheme (see col. 4, lines 1-65).

Regarding claims 6 and 7, Sciammarella discloses wherein said color scheme discretely maps said score to a color; and wherein said color scheme continuously maps said score to a color (see col. 3, lines 43-67).

Regarding claims 8 and 9, Alexander discloses wherein said indication of one or more program attributes contributing to said recommendation score utilizes a variable size-of-text scheme; and wherein said indication of one or more program attributes contributing to said recommendation score utilizes a variable rate-of-flicker scheme (see col. 29, lines 14-67).

Regarding claims 10 and 11, Alexander discloses wherein said indication of one or more program attributes contributing to said recommendation score utilizes a variable brightness scheme; wherein said indication of one or more program attributes contributing to said recommendation score utilizes a variable bar height (see col. 29-30, lines 1-67).

Regarding claims 13 and 14, Sciammarella discloses wherein said visual cue of one or more program attributes contributing to said recommendation score utilizes a color scheme; and wherein said color scheme discretely maps said score to a color (see col. 10, lines 1-55).

As claims 15-23 are analyzed as previously discussed with respect to claims 1-13 above.

Response to Arguments

3. Applicant's arguments filed on 01/29/04 have been fully considered but they are not persuasive.

In response to applicant's argument on page 2-4 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sciammarella discloses obtaining a recommendation score for each of available programs used in combination of Alexander's obtaining a list of available programs. One skill in the art would have been obvious in order enhancing a user friendly and enable to provide maximum visual information about categorical information being displayed on a display screen for rating purpose.

At pages 6-7 of the Remarks; Applicant argues that the combination of Sciammarella and Alexander do not teach or suggest "displaying said list of available programs to a user with an indication of one or more program attributes contributing to said recommendation score; obtaining a list of available programs." However, the limitations as claimed set forth to read on "Now suppose that the viewer had selected frequency of use as the measuring value. In this case,

the scale and location of the categories within the interface box would still indicate the "Movies" category as the most important category and "Education" as the least important category but the scale and location are now indicative of the frequency of use, not the volume of programming. Thus, the most-frequency watched to least-frequency watched categories would be, in descending order, as follows: "Movies," "Comedy" and "Dramas," "Sports," "News" and "Kids," "Cooking" and "Shopping," and "Education." This arrangement of the categories by scale and location indicates that this particular viewer watches more movies than any other category and less educational programming than any other category of programming. It is important to note that while FIGS. 2 and 3 show the use of both scale and location to indicate the relative importance, or unimportance, of a particular category vis-a-vis other categories, it is not necessary to use both of these visual factors to visually communicate the categorical information to the viewer. For example, scale alone could be used to indicate the relative importance of each of the categories. In this case, the "Movies" category would still be considered the most important category as it has the largest text and the "Education" category, with the smallest text, would be considered the least important category. Conversely, the computer program could use only strategic placement of the categories in different locations within the interface box to relative importance with respect to the selected measuring value. In this instance, perhaps the category that is placed nearest the top of the interface box would be the most important category and the category that is placed nearest the bottom of the interface box would be the least important category, regardless of the scale of the category names themselves." see Sciammarella col. 6, lines 1-65.

Accordingly, the claimed invention as represented in the claims do not represent a patentable distinction over the art of record as discussed as above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-892).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Response

5. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Inquires

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER
March 21, 2004